

TOWN OF KITTERY, MAINE
PLANNING BOARD MEETING
Council Chambers

APPROVED
February 26, 2015

Meeting called to order at 6:01 p.m.

Board Members Present: Karen Kalmar, Deborah Davis, David Lincoln, Robert Harris, Mark Alesse

Members absent: Ann Grinnell

Staff: Chris DiMatteo, Town Planner

Pledge of Allegiance

Minutes: February 12, 2015

Ms. Davis moved to accept as amended

Mr. Lincoln seconded

Motion carried: 5-0-0

Public Comment: There was no public comment.

PUBLIC HEARING/OLD BUSINESS

ITEM 1: Kittery Municipal Center/Memorial Park - Modifications to an Approved Plan.

The Town of Kittery proposes to add new memorials to the Memorial Park located at the east side of Town Hall to accommodate the fire and police departments. The area is located at 200 Rogers Road in the Business Local (B-L) zone, Tax Map 22 Lot 20A and 20. Project represented by Chris DiMatteo, Town Planner.

Chris DiMatteo: Summarized the project, noting this is a minor modification to an approved plan. It is before the Board because the Findings of Fact require Board review for any changes. The proposed changes include a request by the fire and police departments to include memorials for their members.

The public hearing opened at 6:15 p.m.

Earldean Wells: What kind of trees are included at the site?

Mr. DiMatteo: Flowering crabapple.

The public hearing closed at 6:16 p.m.

Mr. Lincoln: Asked about dimensions of the proposed Fire and Police monuments and the William Whipple monument; concerned about intrusion of proposed monument (Whipple) into the existing Circle; it appears the name has been changed from the "Circle of Honor" to Memorial Park, and how can this be done administratively; only one member (Lemont) from the Thresher Memorial group attended the meeting with the fire and police to discuss the proposed monument additions; has a problem with approving a plan that has drastically changed in philosophy from the original intent, and has no way of stopping future changes that would fill this area with other memorials.

Mr. DiMatteo: The area is 9'x12' each for both Fire and Police; the Whipple monument has not yet been designed, and the area shown on the plan is to hold for future design; the proposed addition of the Whipple memorial would be an amendment; the original Thresher Memorial group no longer exists and those who were contacted, but did not attend, were supportive.

Mr. Harris: Spoke with Gary Beers and was told it was always the intent that this area be for memorials, and not restricted to the Thresher memorial.

Ms. Davis: Has similar concerns as Mr. Lincoln. Is there something that references this area as "Memorial Park"? There is already the John Paul Jones Memorial Park and Memorial Field. Noted the original plan references "Monuments reserved for other memorials" which is what is now before the Board. Where does the inclusion of William Whipple come from? Placement of memorials should be well thought out so it does not appear haphazard.

Mr. DiMatteo: This name has evolved from Circle of Honor to Memorial Park. In summary, the Town should create a management plan that address how issues such as this will be handled in the future, and determine and finalize the name of the park in recognition of the original approval.

Mr. Harris: Agrees the name should be investigated since there are other similar names in town.

Mr. Alesse: This is the Town Hall Memorial Park where the Circle of Honor is located. Sees consistency and believes it can remain as named.

Mr. Lincoln: The Town Planner should prepare a statement of fact regarding the name of the memorial area, and who it is reserved for, not historical figures.

Mr. DiMatteo: Asked the Board consider approving the plan with the condition that a statement of fact be presented to the Board with the final plan following construction, as the statement does not change the plan before them.

Ms. Davis moved to accept the application and approve the Kittery Municipal Center Memorial Park/Circle of Honor modifications to an approved plan dated February 26, 2015, with the condition the final plan will incorporate a statement including the final name, current and future use, and purpose.

Mr. Alesse seconded

Mr. Harris: He can agree as long as no name is engraved prior to review of the prepared statement.

Motion carried: 4-1 (Lincoln) -0

Motion passes.

OLD BUSINESS

ITEM 2 - Board Member Items/Discussion

A. Board retreat: Suggested by Chairman Grinnell. Purpose is to become acquainted with protocols and procedures, and discuss plan review process with staff. Suggested date is Thursday, April 2 from 9-11 a.m.

B. Committee updates

- Comprehensive Plan Update: Awaiting funding; Staff preparing an RFP for a consultant to prepare the Update; next meeting scheduled in May.

Mr. Lincoln: What is the role of the Board representative? Roles should be defined. Ms. Davis: The Board representative participates and reports Committee activities to the Board.

C. Action List; review, edit and prioritize

- Ms. Kalmar: Suggested Commercial Recreation be reduced in priority due to other pending amendments to Council in May, the complexity of the definition as a permitted use in various zones, and the consistent use of recreation definitions throughout zones.
- Ms. Davis: Would be willing to reduce to a priority 2, but members should give it some thought, be prepared for discussion, and consider types of recreation they can accept and types they do not want to see in town.
- Mr. DiMatteo: Suggested reviewing all permitted uses, whether definitions exist or are needed, and determine continuity of language, when used, across zones. A matrix or table of uses could be developed, as permitted in associated zones.
- Amendments for May, 2015 Council presentation: Remaining Council workshop items (3) plus pre-construction amendments currently before the Board, and Major/Minor change amendments. Ms. Kalmar: The Cluster workshop with KOSC will be postponed to April 23. The Board needs to be prepared to discuss amendment issues rather than waiting to be informed. Include structure replacement outside the Shoreland Zone for May review.

D. Other

Ms. Kalmar: Sensitivity Training is scheduled for Town Boards and Committees on Thursday, March 19 at 6:30 p.m. in Town Hall.

Mr. Lincoln: Asked about providing key code sections on projects before the Board. Ms. Kalmar: This will be discussed in detail at the retreat when discussing staff work and Board expectations.

Mr. Lincoln: Spoke about the conflict between new housing and the potential destruction of historical and old homes, particularly in the Foreside, and the use of historical districts to preserve the character of an area. Does the Board want to be proactive regarding the future of the Foreside? Ms.

Davis: We should get a clear understanding of what the Foreside groups have found in their studies; study the size of the Foreside and whether zoning should be changed; need to receive community input. Mr. Alesse: Believes the Board does not have the statutory authority to make changes without ordinance changes, but believes the majority of residents want the Foreside to remain the same. Mr.

Harris: Does not believe there is much commercial activity in the Foreside; little historical homes remain in the Foreside or can be repaired; concerned about the rights of taxpayers and landowners. Ms. Kalmar: Would like to hear from the Foreside groups who have been studying this for some time before considering changes. Mr. DiMatteo: The Town Manager has compiled information from the Foreside Forums and committee meetings that will be emailed to the Board and copies included in the March 26 packets; Council has authorized the Town Manager to take the next steps, which may include an RFP for a consultant to summarize and make recommendations. Ms. Kalmar: Once the Board reviews the information, would it be appropriate to formulate questions at that time?

There was no further Board member comment.

ITEM 3 - Town Planner Items

- A. Memorial Circle Improvement Plan - The construction costs were over budget, and now the consultant costs are over budget. Because of this, there is concern about the number of public hearings proposed. He will keep the Board informed.
- B. KACTS Grant for Route 1 By-Pass - Inventory of study area provided; a stakeholder meeting hosted by the Board would help keep everyone informed. Mr. Lincoln: What is the purpose of the study areas? Mr. DiMatteo: This area is for pedestrian and bicycle use that studies safety and use within existing conditions. Discussion followed regarding road use, bridge access, etc. Mr. Lincoln: The Board should consider the future of the By-Pass area.
- C. Town standing board/committee list: Mr. Lincoln: Need to check to see if there are any other Committees with Board representation, and if there is a need to replace Tom Emerson on the Economic Development Committee.
- D. Ongoing Code amendments - No further discussion
- E. Other - None

NEW BUSINESS

ITEM 4 - Town Code Amendment-Title 16.4.4.1 Inspection of Required Improvements; 16.10.3.7 Independent Review/Inspection Consultant Review; 16.10.3.8 Independent Review Applicant Funding; 16.10.8.2.2 Performance Guaranty Conditions; 16.10.9.1 Post Approval Actions Required. Action: Review amendments and schedule a public hearing. Proposed amendment: codifies the need to hold a pre-construction meeting; updates provisions associated with inspections; and provides clarity through minor changes where needed.

Mr. DiMatteo: Summarized the proposed amendment language, explaining a pre-construction conference assures that all parties are working together on large projects before construction begins.

Mr. Harris: Read a prepared statement providing a list of questions and comments regarding the overall amendment language. Who's going to handle the consultants, agreements and money in this process?

Mr. Alesse: Suggested Mr. Harris provide his comments to the Planner for comment and for review by the Board at a later time. Mr. Lincoln: Concurred with Mr. Alesse. Ms. Kalmar: Requested Board members submit their comments regarding the proposed amendment language to the Planner for discussion at the next amendment review meeting in March.

Mr. Harris: It is unclear that this language applies to developments receiving Planning Board review, and not to single family development.

Mr. DiMatteo: This was intended for subdivisions where there are roads and drainage systems, etc.

Mr. Alesse moved to adjourn

Mr. Harris seconded

Motion carried 5-0-0

The Kittery Planning Board meeting of February 26, 2015 adjourned at 7:54 p.m.
Submitted by Jan Fisk, Recorder, March 1, 2015